

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES H. GIBSON,)
Petitioner,)
vs.) Case No. 4:08-CV-956 (CEJ)
DAVE DORMIRE)
Respondent.)

ORDER

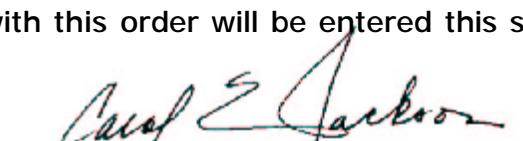
This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On August 23, 2011, Judge Blanton issued a Report and Recommendation, recommending that the petition of James Gibson, for a writ of habeas corpus under 28 U.S.C. § 2254, be denied. Petitioner has not filed any objections and the time allowed for doing so has expired.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Lewis M. Blanton [#21] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

A separate judgment in accordance with this order will be entered this same date.


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 19th day of September, 2011.